





SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0172 Address: 502 W LONGSPUR

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CASE NUMBER: C15-2015-0172

CITY OF AUSTIN Board of Adjustment/Sign Review Board Decision Sheet

	,, =	
Y	Brooke Bailey	
Y	Michael Benaglio	,
Y	William Burkhardt	•
Y	Eric Goff 2 nd the Motion	
Y	Melissa Hawthorne Motion to	Grant Item A only, PP Item B to 2-8-16
Y	Don Leighton-Burwell	
	_ Melissa Neslund	
Y	James Valadez	
	Michael Von Ohlen	
	Kelly Blume (Alternate)	
Y	Rahm McDaniel (Alternate)	

OWNER/APPLICANT: John Latham

DATE: Monday, December 14, 2015

ADDRESS: 502 LONGSPUR BLVD

VARIANCE REQUESTED: A. The applicant has requested variance(s) to Section 25-6, Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required parking spaces from 294 spaces (required) to 265 spaces (requested, existing) in order to provide additional dumpsters, security fence and a playground on this multi-family site in a "MF-2, MF-3 – NP" Multifamily Residence Low Density – Multifamily Medium Density - Neighborhood Plan zoning district. (North Lamar)

B. The applicant has requested variance(s) to Section 25-2-1067 (F) (Design Regulations) of Article 10, Compatibility Standards to reduce the distance an intensive recreational use including swimming pool, tennis court, ball court or playground may not be constructed from 50 feet or less from an adjoining property (required) to 0 feet (requested) in order to construct a playground on this multi-family site in a "MF-2, MF-3 – NP" Multifamily Residence Low Density – Multifamily Medium Density - Neighborhood Plan zoning district. (North Lamar)

BOARD'S DECISION: Dec 14, 2015 The public hearing was closed on Board Member Melissa Hawthorne motion to Grant Item A and Postpone Item B to February 8, 2016, Board Member Eric Goff second on a 8-0 vote; GRANTED ITEM A AND POSTPONED ITEM B TO FEBRUARY 8, 2016.

FINDING:

 The Zoning regulations applicable to the property do not allow for a reasonable use because: there is ample parking for residents at the apartment complex and transit nearby



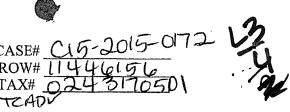
- 2. (a) The hardship for which the variance is requested is unique to the property in that: unit mix and change refuse service site changed over the years and configuration on site is balance
 - (b) The hardship is not general to the area in which the property is located because: what is on site seems to work really well for the units
- 3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: this is the way site functions now

PARKING: (Additional criteria for parking variance only)

- 1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation because: what's on site has function for use of apartments today
- 2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because: no new units will be added
- 3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objective of this Ordinance because: safety trash placements on site, no units added
- 4. The variance will run with the use or uses to which it pertains and shall not run with the site because: it does

Leane Heldenfels Executive Liaison William Burkhardt

Chairman

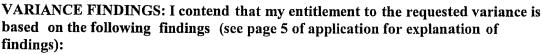


CITY OF AUSTIN TO APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.							
STREET ADDRESS: 502 Longspur, Austin, TX, 78753							
LEGAL DESCRIPTION: Subdivision - Northwend, Phase C, Section 2							
Lot(s) 3 Block A Outlot Division							
I/We The PPA Group on behalf of myself/ourselves as authorized agent for 502							
Longspur LP affirm that on November 13, 2015 hereby apply for a hearing							
before the Board of Adjustment for consideration to:							
(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)							
ERECT ATTACH COMPLETE REMODEL _X MAINTAIN							
Club Creek Apartments							
in a MF-3-NP, MF-2-NP multifamily residence medium density (North Lawrence district)							
NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.							





NS.

REASONABLE USE:

- The zoning regulations applicable to the property do not allow for a reasonable use because:
- 1) There is ample parking for residents at the apartment complex and there have been no complaints otherwise.
- 2) We would like to install a playground within 50' of the property line. There is no other suitable area on site, and we want the children to have a place to play rather than the driveways.

HARDSHIP:

- 2. (a) The hardship for which the variance is requested is unique to the property in that:
- 1) In order to restripe the parking to meet the parking code, the property will have to reduce the number of trash dumpsters available to residents from 6 to 4, and increase the frequency of collection to 5 or 6 days per week. Additionally, the dumpsters will have to be relocated to areas where they are rolled out into the driveway by on-site staff each morning, and after dumping rolled back into their designated spot. This has the effect of blocking the driveway, for up to several hours each day, creating inadequate traffic flow in the driveways, potential fire lane obstructions, and general inefficient use of time and resources.
 - The site is very tight and there is no other available area for a children's playground.
 - (b) The hardship is not general to the area in which the property is located because:
- 1) Other properties have less dense sites, were built later with better planning and spacing designs.
- 2) Same as above.

AREA CHARACTER:

- 3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:
- No neighbors, or anyone else will be affected by a parking variance. Residents already park on the street in front of the property.
- 2) Playground use will have hours of operation not going past 10pm.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

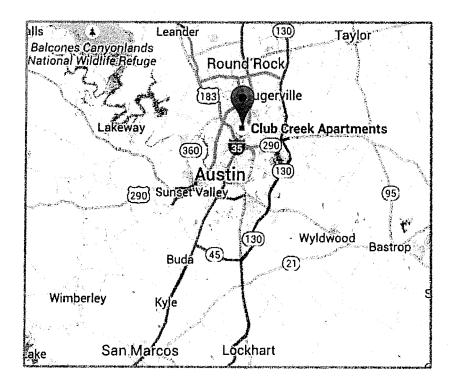
1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

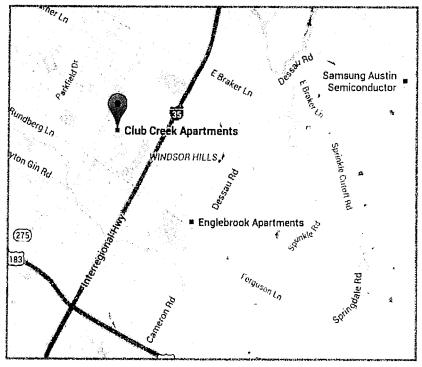
There have been no complaints by the residents or neighbors of parking deficiencies.

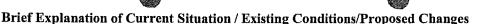
Updated 10/15

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:								
1) Residents already park on the street.								
 The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because: The granting of this variance will eliminate a potential safety hazard of dumpsters being set in the driveways for pickup for several hours each day. 								
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:								
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.								
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief. Signed Mail Address								
City, State & Zip								
Printed Phone Date								
OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.								
Signed Sold Mail Address 11149 RESCRACH BUS. STE. 375								
City, State & Zip AVSTIN, TX 78735								
Printed Joth A. LANTAM Phone 572-657-0513 Date 11/13/15								









The PPA Group through 502 Longspur LP acquired the property on Nov. 6, 2015. We are requesting 2 variances – 1) Parking Variance and 2) Setback Variance. Through our due diligence, it was discovered that the existing parking does not meet the city's requirements and we are therefore requesting a variance to the city's parking code requirements. It should be noted that there has been no complaint or formal code violation filed in connection with the parking. In addition, we are requesting a variance for setback requirements, in order to install a children's playground within 50' of the property line, in the northwest corner of the property.



- 1) Parking Variance-The Club Creek Apartments, consisting of 160 units, were built on a 6 acre tract, in a very dense manner. Originally, it is <u>assumed</u>, dumpsters were planned to be rolled in/out by the trash collector service company. Trash collector service companies no longer leave the truck, thereby forcing on-site management to handle the task, which was burdensome and resulted in dumpsters blocking driveways for inordinate amounts of time. Therefore, new dumpster locations were created resulting in loss of parking spaces (~12). Additionally, it appears that a security fence was installed around the property, in the past, resulting in an additional loss of parking spaces (~12). Currently, there is also space for ~24 cars to park on the street in front of the property and additional 24 spaces on the other side of the street.
- 2) Setback Variance We are requesting a setback variance in order to install a children's playground in the northwest corner of the parking lot which would fall within 50' of the property line. There is no other area large enough for a playground, children currently play too frequently in the driveways, creating a dangerous situation, and the residents have expressed a strong desire for this amenity. This would also entail losing another 4 parking spaces.

Current Parking Situation

Club Creek

Parking Space Count

Parking Requirements

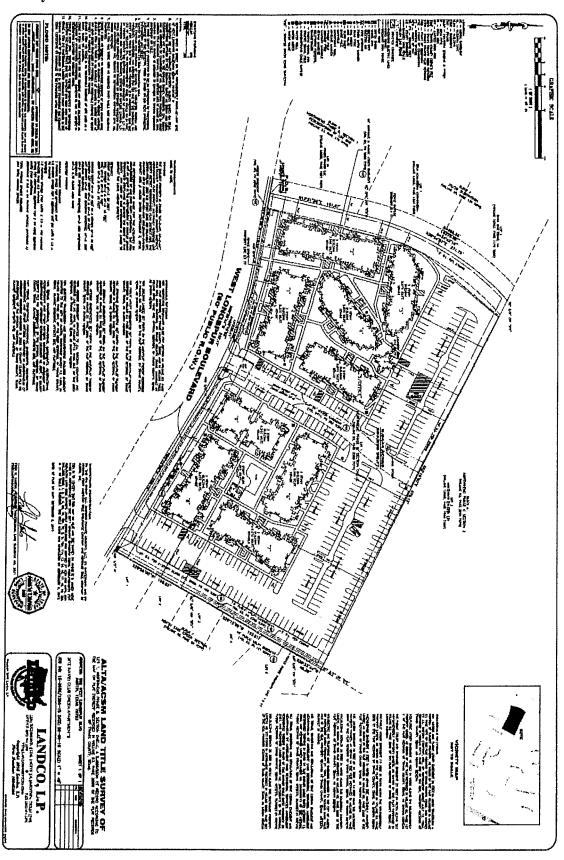
- 1 Parking Space Per Efficiency Unit
- 1.5 Parking Spaces Per 1 Bedroom Unit
- 1.5 Parking Spaces Plus 0.5 Parking Spaces For Additional Bedrooms For 2 or More Bedroom Units

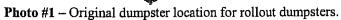
		Required Parking		Current		Street	Net
Unit Type	Units	Ratio	Spaces	Parking	Deficiency	Parking ¹	Deficiency
Efficiencies	0	1.00	0				
1 bd / 1ba	52	1.50	78				
2 bd / 2 ba	. 108	2.00	216				
Spaces For Playground ²	. 0	0.00	0		4	•	
Total	160		294	269	265	24	5

Street parking is measured only on the "Club Creek side" of the street and does not include parking across the street. It only includes legal
parking areas (i.e. no fire lanes or pedestrian walkways), and only includes areas in front of the Club Creek property and the adjacent drainage
easement.

²⁾ Additional spaces needed for playground.







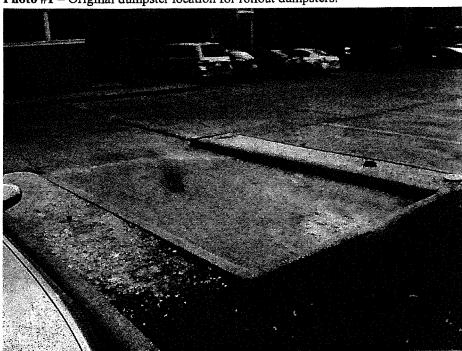
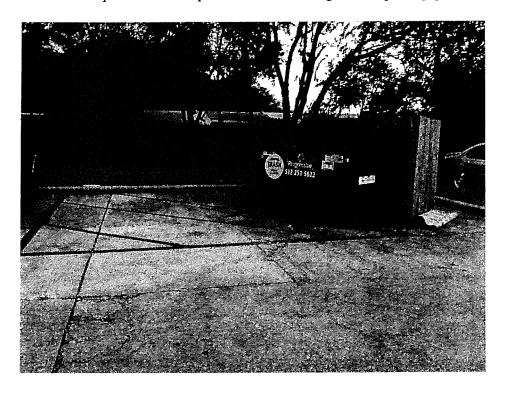




Photo #2 - Representative dumpster relocation showing reuse of parking spaces.



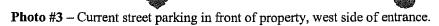
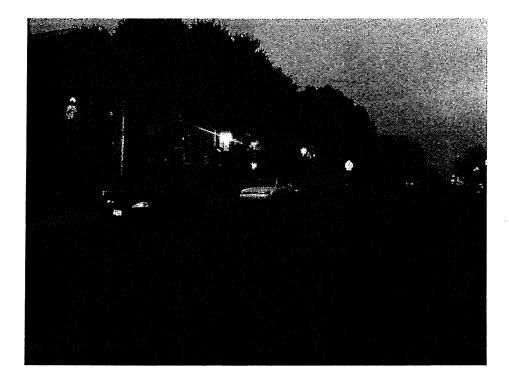




Photo #4 - Current street parking in front of property, east side of entrance.



Club Creek Apartments

Aerial Photo

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Club Creek Apartments

Sample Playground Photo







Neighbors' Response to Request For Parking

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